



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	121A	Manual Of Requirements For Adoption Agencies	11/3/2008
Subchapter:	3	Administration	
Section	6	Agency records (N.J.A.C. 10:121A-3.6)	

§10:121A-3.6 Agency records

(a) The agency shall ensure that the following general requirements are met:

1. The agency shall keep all records on file at the agency but may store files that are not currently active in a secure facility, with confidential files under lock and key, provided that the records can be accessed in a reasonable amount of time, if needed.

2. The agency shall make all records available for inspection by authorized representatives, as specified in N.J.A.C. 10:121A-2.3(a)5.

3. The agency shall ensure that all entries in the child, adoptive family, birth family and personnel records indicate the name of the individual making the entry, the date of the entry, and that all entries are signed by that individual.

4. The agency shall maintain the confidentiality of all information in all client case records, including those of the child, birth parents, foster parents, adoptive parents, adult adoptees and all other persons residing in the adoptive parents' home, except by court order, as specified in this chapter or by written consent of the specific party.

i. Staff members or persons associated with or working in cooperation with the agency shall not disclose or knowingly permit the disclosure of any identifying information concerning the child, birth parents, foster parents, adoptive parents or adult adoptees to any unauthorized person(s). Authorized persons are:

(1) Department representatives involved in child abuse and/or neglect investigations, or as otherwise authorized by statute;

(2) Office of Licensing representatives or designees engaged in review activities related to certifications;

(3) Staff members of other agencies acting within the scope of their employment;

(4) Representatives of adoption agencies or the social welfare or law enforcement agencies exchanging information regarding individuals in the care or legal custody of one of the agencies; and

(5) Persons named in court orders for this purpose.

ii. The agency may disclose identifying information to bona fide researchers who have received permission from the Commissioner or his or her designee, subject to any restrictions and/or limitations set by the Commissioner or designee, and who agree to maintain the confidentiality of the child, birth parents, foster parents, adoptive parents and/or adult adoptees.

iii. The agency shall disclose or permit the disclosure of non-identifying information to the child, adult adoptee, birth parents, foster parents and adoptive parents after verifying the identity of the person making the request.

iv. An agency shall supply full information as permitted by these rules to any party involved in an adoption upon request.

v. The agency shall not verify or give to the adoptive parents the names of the birth parents without the written permission of the birth parents, even though the adoptive parents may have learned of the identity of the birth parents before or after the plan for adoption was made.

(b) The agency shall develop, maintain and make available to clients and to the public, upon their request, a written description of its policies and procedures for the following:

1. Eligibility for and provision of services;
2. Contents and maintenance of case records, including confidentiality and access;
3. Client grievances;
4. Rights and responsibilities of the agency and of clients for providing information, access to records, providing services, and payment of fees;
5. Relationship(s) with the courts pertaining to termination of parental rights, custody and guardianship; and
6. Relationship(s) with referring agencies.

(c) The agency shall establish and maintain statistical information on adoption services.

(d) An agency shall maintain case records for each child served and for his or her birth family for 99 years. Certified agencies that work with referring agencies

or intermediaries shall make efforts to obtain background information for birth family and child records. These records shall include:

1. Identifying information on the child, including: name according to birth certificate, aliases if any, birthdate, birthplace, sex, race, social security number, national origin, religion, height, weight, color of hair and eyes, identifying marks or any other significant physical characteristics;
2. The name, address, telephone number, birthdate, birthplace, social security number, marital status, race, national origin, religion, and any social, psychological, educational or vocational background information on the birth parent(s), including the putative father or legal guardian(s), if relevant;
3. Name, address, telephone number of a birth family member, or relative to contact in case of emergency;
4. Date of placement and finalization of the adoption;
5. The names, birthdates, and locations of the child's siblings, if any. If the child has siblings, the record shall also include the reason(s) that the sibling(s) were not placed in the same adoptive home;
6. Social, psychological, developmental and educational circumstances including school reports and medical history of the child and copies of any professional recommendations, evaluations or treatment, including the Adoption Medical Information Form pursuant to N.J.S.A. 9:3-41.1(b), or any other required form issued by the Office of Licensing, and a complete medical history of the birth family;
7. Legal documents pertinent to legal custody and guardianship, including birth records, court reports, proof of voluntary relinquishment or termination of parental rights or their equivalent, documentation of custody or guardianship transferred from one certified agency to another or from an official of the United States or any foreign country with authority to place such child for adoption;
8. All written agreements with parents, guardians, legal custodians, or cooperating agencies including but not limited to consent for foster placement and authorization for necessary medical or surgical care and service and financial agreements;
9. Summary reports of social services provided or offered for the child and birth family, including possible alternatives to adoption, pre- and/or post-natal care for the birth mother, temporary care for the birth mother and/or child, reasons for adoption as the plan of choice and birth parent preferences, if any, regarding characteristics of the adoptive family;
10. Summary of how any child placed for adoption has been prepared for the adoption, including, for children 10 years of age or older, a full description of the child's involvement in the process of adoption planning,

and preference regarding characteristics of the adoptive family or documentation of the reason(s) for not consulting the child;

11. Record of the birth family's contact with the agency after adoptive placement, including updated addresses and telephone numbers;

12. The specific plan for transporting the child to the adoptive home, if appropriate;

13. All records or documentation pertaining to contacts between the agency and the birth parent, birth family or their legal representative, as specified in N.J.A.C. 10:121A-5.4(a);

14. A signed agreement by the applicant(s) to notify the agency at the time the family is matched with a birth mother for possible placement of her child or when a child is received in the home for adoption through a source other than a certified agency, so that the supervision of the child can begin. This supervision shall be done by the same agency that conducted the home study. However, at the request of the adoptive applicant(s), the case may be transferred to another certified agency, provided both agencies agree to the transfer; and

15. A signed agreement by the applicant(s) to provide the agency with an itemized statement of all costs paid and unpaid, and copies of receipts for all costs paid by the applicant(s) in connection with the adoption, including any adoption-related expenses paid prior to agency involvement.

(e) The agency shall maintain records of home studies of adoptive applicants, who have had a child placed for adoption, for 99 years. These records shall include:

1. Information about the prospective adoptive parent(s) and family, including: name, address, sex, race, birthdate, religion, nationality and citizenship, social security number, educational background, occupation and income, marital status and year of marriage and divorce, if applicable;

2. Information on other members of the immediate family, their names, sex, birthdates, relationship, and addresses, if different from above;

3. Copies of signed service plans and financial agreements;

4. Characteristics of the child, including: age range, sex, social, psychological, physical, developmental and educational circumstances acceptable to the family, including any specific limits to the extent of special conditions acceptable to the adoptive family;

5. Summary documents of the adoption home study of the family which shall be signed and dated by both the social worker who conducted the study and social work supervisor, including any autobiographical or other self-assessment material provided by the family, the basis for the decision to accept or reject the family or to impose any qualifying conditions, an indication that the decision was made jointly by the social worker and

social work supervisor, and a record that the family was informed in writing of the decision within 30 calendar days of the last contact with the family;

6. All records or documentation pertaining to contacts between the agency and the adoptive parent(s) or their legal representative, as specified in N.J.A.C. 10:121A-5.6(a);

7. All references, medical reports, and any background checks, including police and fingerprinting checks, and any other verifications or correspondence used by the agency for the study and evaluation of the adoptive family; and

8. A record of each child being placed in the adoptive home, including the full name, date of placement, supervisory reports covering the child's and family's adjustment, summary report of placement and recommendation, date and place of finalization, record of any contact with the agency after finalization, including updated addresses and telephone numbers.

(f) The agency shall maintain on file records, as specified in N.J.A.C. 10:121A-5.5(b), for each foster family used by the agency in support of the agency's adoption service.

1. These records shall be maintained for the following:

i. Placements that were made before termination of the legal parents' rights; and

ii. Temporary care between intended permanent adoptive placements.

2. Such records shall include documentation that the requirements specified in N.J.A.C. 10:121A-5.5(b) and (c) were met. When a foster family is also the adoptive family, the adoptive family records shall include the content specified in N.J.A.C. 10:121A-5.5(b).

(g) The agency shall maintain the following administrative records in its files:

1. Current copies of all written materials required for certification, as specified in N.J.A.C. 10:121A-2.1(c) and (d). When there are changes or modifications in the agency's policies and procedures, the written materials shall reflect such changes;

2. A current copy of the Manual of Requirements for Adoption Agencies;

3. Copies of other licenses, certificates, accreditations or evaluations of agency operations, program, and facilities;

4. Copies of board meeting minutes; and

5. Copies of general and comprehensive insurance coverage.

(h) An agency shall maintain the following financial records:

1. An annual budget indicating projected revenues and expenses for its adoption program;

2. Policies and procedures governing fees for service, along with fee ranges, if any; and

3. Actual fees paid by clients to or through the agency in connection with adoption services.

(i) The agency shall maintain personnel records on all agency personnel, including paid staff members employed by the agency, paid consultants who provide contracted services and volunteers and students who have direct contact with clients.

1. The personnel record shall include the following information for each staff member:

- i. Name, address, and telephone number;

- ii. Resume, or application form, including qualifications, work